

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAMARA KLINE AND GREG KLINE,)	
)	CIVIL ACTION FILE NO.:
Plaintiffs,)	
)	
v.)	[Removed from
)	The State Court of Rockdale
)	County, Civil File No. 2023-
)	CV-1548]
JAN DICK,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COME NOW Jan Dick, named as defendants in the above-captioned matter, by and through their counsel of law, within the time period prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named plaintiffs filed suit against defendant Jan Dick in the State Court of Rockdale County, which in the Atlanta Division of this Court. 28 U.S.C. § 90(a)(2). Said lawsuit is styled as above and is numbered as Civil Action File Number 2023-CV-1548. Plaintiffs claim damages for bodily injuries from a motor vehicle accident. (Complaint, Exhibit “A,” attached).

2.

Plaintiff filed this suit on April 14, 2023. Plaintiff first provided a copy of the stamped filed Complaint to attorney Jonathan Adelman via email on April 16, 2023. (April 16, 2023 Email, Exhibit “B,” attached). Defendant Jan Dick was served on April 22, 2023. This notice of removal is being filed within thirty (30) days of the defendant Jan Dick’s first receipt of the Complaint via email. *See* 28 U.S.C. § 1446(b)(1) (“The notice of removal of civilian action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, *through service or otherwise*, of a copy of the initial pleading”).

3.

Defendant Jan Dick is an individual who is a citizen of the State of Texas and is not a citizen of the State of Georgia. Defendant Jan Dick was not a citizen of the State of Georgia at the time of or immediately prior to the filing of this lawsuit or at any time thereafter. Plaintiffs are citizens of the State of Georgia. (Complaint at ¶¶ 1 and 2, Exhibit “A,” attached).

4.

Plaintiffs are seeking recovery from defendant Jan Dick in an amount exceeding \$627,000 in medical expenses plus pain and suffering, attorney’s fees, and punitive damages. (Complaint, Counts Two, Three, and Four, Exhibit “A,” attached).

5.

The matter in controversy is one which this Court has diversity jurisdiction pursuant 28 U.S.C. § 1332 as it involves citizen parties of different states and as the amount in controversy exceeds the sum of \$75,000. Therefore, pursuant to 28 U.S.C. § 13332 and 28 U.S.C. § 1446(a), this matter may be removed to this Court.

6.

Pursuant to the provisions of 28 U.S.C. § 1446, defendant Dick has attached as Exhibit “C” copies of all pleadings that were provided to him, including copies of all pleading that have been filed to date in the State Court of Rockdale County for the above-styled case.

7.

Pursuant to the provisions of 28 U.S.C. § 1446, defendant Jan Dicks is not required to file a removal bond.

8.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

9.

This petition is filed prior to the service of process on any defendant and is, therefore, timely.

WHEREFORE, defendant Jan Dick prays that this Petition be filed, that the entire action referred to herein above be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and that no further proceedings be held in the case originally filed in the State Court of Rockdale County, State of Georgia.

This 5th day of May, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman

Jonathan M. Adelman
(State Bar No. 005128)
Attorney for Defendant

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THE ELLIS FIRM

/s/ Willie C. Ellis, Jr.

Willie C. Ellis Jr.
(State Bar No. 005128)
Attorney for Defendant

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(404) 513-1795
will@call-ellis.com

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing pleading is typed in 14-Point, Times New Roman font and is otherwise formatted in compliance with LR 5.1.

This 5th day of May, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman

Jonathan M. Adelman
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Attorney for Defendant

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THE ELLIS FIRM

/s/ Willie Ellis, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of May, 2023, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

John M. Hyatt, Esq.
Hyatt & Hyatt, P.C.
125 Clairemont Avenue
Suite 440
Decatur, GA 30030
john@hyatt-law.com

This 5th day of May, 2023.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Jonathan M. Adelman
Jonathan M. Adelman

(State Bar No. 005128)
Attorneys for Defendant

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